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anticipated by Mikurak's U.S. Pat. No. 6,606,744 (Mikurak). Applicant traverses and respectfully requests that the rejections be withdrawn.

Claims 19-20

Claim 19 specifies an interchange party computer system (IPCS) having several elements, including "providing means for the IPCS to have network communication with a plurality of consumer computer systems." The Examiner alleged that FIG. 2 of Mikurak discloses this feature. However, nothing in FIG. 2 describes network communications with consumer computer systems as described in the present application.

The present invention provides systems and methods that overcome the problems in the prior art, such as allowing consumers to compare different service plans on-line, and to manage service accounts in a variety of different service sectors, using a "one-stop shopping" design.

See, e.g., application page 3, line 17, to page 4, line 7. These systems and methods can be based around an "interchange party" that allows consumers and businesses "access to a variety

of different services from a variety of different service providers over a variety of service

sectors." Application page 4, lines 7-12. Some exemplary services include those from the telecommunications, utilities, home mortgage, and insurance industries. See application page 1, lines 19-23.

In contrast, Mikurak describes a "collaborative installation management in a network-based supply chain environment" (see, e.g., column 1, lines 8-10; column 2, lines 53-55) directed toward problems in telecommunications technologies and equipment; Mikurak's entire "Background of the Invention" focuses solely on the installation and management of telecommunications equipment and the problems inherent in replacing or improving an outdated private branch exchange (PBX) or central office telecommunications system (column 1, line 13 to column 2, line 50). The Mikurak invention summary describes:

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A system, method and article of manufacture are provided for collaborative installation management in a network-based supply chain environment. According to an embodiment of the invention, telephone calls, data and other multimedia information are routed through a network system which includes transfer of information across the internet utilizing telephony routing information and internet protocol address information. The system includes integrated Internet Protocol (IP) telephony services allowing a user of a web application to communicate in an audio fashion in-band without having to pick up another telephone. Users can click a button and go to a call center through the network using IP telephony. The system invokes an IP telephony session simultaneously with the data session, and uses an active directory lookup whenever a user uses the system. Users include service providers and manufacturers utilizing the network-based supply chain environment.

Column 2, line 53 to column 3, line 3:

Mikurak's FIG. 2 "illustrates an embodiment of a system for combined industry supply management between one or multiple manufacturers and one or many service providers and/or vendors and/or resellers." Mikurak, column 3, lines 12-15. The "E-commerce Market Space" illustrates an "e-supply chain enterprise" having aspects of a business-to-business (B2B) network—installation management, demand and supply planning, order management, network asset management, etc. Assuming that the abbreviations used in Mikurak's FIG. 4 also apply to FIG. 2, this B2B network stretches between manufacturers (M₁, M₂, M₃, M₄) and service providers (SP₁, SP₂, SP₃, SP₄). See Mikurak, column 16, lines 53-60. Mikurak describes this e-supply chain model at column 15, lines 51-64:

In more detail, the present invention manages the supply chain between the manufacturer(s) and service provider(s). The industry supply management is centralized in an eCommerce Market Space 206, which includes components that manage end-to-end supply chain information such as demand planning, order fulfillment, scheduling, inventory, etc. In embodiments of the present invention in which multiple manufacturers and service providers participate, some of the benefits of the present invention include: economies of scale are enabled, rationalization of procurement and inventory, rationalization of distribution and logistics facilities; and facilitation of the development of an industry-wide standard.

Mikurak's FIG. 2 does not describe "network communication with a plurality of consumer computer systems," (a business-to-consumer, or "B2C" system), but instead describes a network among industry service providers and manufacturers. Therefore, FIG. 2 does not describe this element of claim 19.

Claim 19 also recites

capturing data input through the user interfaces, and transferring the data to one or more databases, at least one database holding data representing a plurality of consumer profiles for different consumers, the associated databases including at least one database holding data for a plurality of service programs under a plurality of service sectors, each sector being represented by service programs from a plurality of service providers.

"Consumer profile data" includes "data relating to a consumer's personal attributes, service sector interests, service provider and/or service program selection criteria or preferences."

Application, page 17, line 23 to page 18, line 2. As mentioned above, a service program offers the provision of a particular service (e.g., a health insurance plan or a home mortgage) to a consumer based on the unique attributes, characteristics, or circumstances of a consumer or group of consumers. See application, page 3, lines 4-16. This captured data is later processed through one or more program modules to provide useful information, for example to compare and select service plans from different service providers or to find a service plan that better matches the consumer's needs. See application, page 46, line 18 to page 47, line 17.

The Examiner alleges that Mikurak discloses this element at column 39, line 53 to column 40, line 5. However, this selection of Mikurak describes an example used to illustrate the benefits of a "Next Generation Network" (NGN) and does not disclose anything related to Applicant's consumer profile database or related databases for service plans and service providers.

This NGN is a packet-based network, intended to eventually replace public switched telephone networks (PSTNs), wireless, and cable networks; NGNs will offer more sharing of common network infrastructure to provide services traditionally provided on separate networks (e.g., telephone service on a telephone network, cable television on a cable network, internet service on an internet protocol (IP) network, etc.) and make these services more interoperable. Column 36, lines 14-39. This NGN includes rules databases for how individual users can access the NGN:

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This infrastructure includes a well defined message set for accessing the functions that are provided by these components and data that resides in the rules database. The control plane architecture is efficient and has a unique mechanism for sharing service, user and control data without duplication. This permits mobile NGN service users to maintain the same experience and have access to the same information regardless of where or how they access the network.

Column 39, lines 45-52. Mikurak, column 39, line 53 to column 40, line 16 illustrates this feature of the NGN that allows NGN users to "maintain the same experience and have access to the same information regardless of where or how they access the network":

Example: Assuming a US-based NGN service user was roaming in Europe and wanted to access the network but has the use of specific calling information stored in his profile database in the US, how would such a challenge be overcome without replicating the user's data onto every rules database on the NGN to ensure that the user would not be denied access to features and services which the user typically subscribed. Obviously, storing or replicating this data and then managing synchronicity over a worldwide network would be process intensive, costly and cumbersome. *This Intelligent network architecture addresses these issues efficiently with mechanisms that make remote data available locally for the duration of a session and then caches the information in short term non-volatile memory not in the foreign rules database server.* In other words although a user's profile may be physically stored in a Rules database in the United States, the user may access the network from Europe and be automatically granted access to the specific services and features that normally would be available during his US service experience. The remote session controller in Europe would communicate with the cross network location register and rules database server to identify the subscriber's "home" rules database in order to collect the policies and profile of the subscriber for use in Europe; this is done by using the inter-device message sets (command-and-control) over the control-plane sub-network. Unlike other mechanisms often employed, this mechanism does not replicate this information onto the local (European) rules database, making long term control data management predictable. The design is CORBA compliant and therefore can be interconnected with other standards based networks. (emphasis added)

The key point of this example is that the NGN architecture does not require copying a user's "home" rules from a U.S. database into a foreign database; instead, the information is cached in short-term non-volatile memory. This section of Mikurak does not disclose anything about capturing customer profile information (e.g., age, income, education) and placing that information in a database. In fact, Mikurak explicitly teaches away from Applicant's claim 19 because Mikurak states that the rules information should be routed to short-term memory rather than being written to a database.

A claim is anticipated only when each and every element set forth in the claim is found in a single prior art reference. See M.P.E.P. § 2131 (internal citations omitted). Mikurak fails to

disclose each and every element of claim 19. Therefore, the Examiner's rejections of claim 19 are traversed and should be withdrawn. Claim 20, which depends from claim 19, is allowable for the same reasons and for the unique combination of features recited therein.

Failure to Meet MPEP § 707.07(d) Requirements

MPEP § 707.07(d) requires that "Where a claim is refused the ground of rejection [should be] fully and clearly stated." The Examiner has failed to fully and clearly state grounds for a number of rejections.

The Examiner alleges that Mikurak, FIG. 19, ref. no. 9612 discloses "a module for finding service programs that match consumer profiles." Office action, page 2. Claim 19 recites "processing data captured from the user interfaces or stored in a consumer profile database using at least one of the following program modules associated with the IPCS":

- (a) a Service Comparison/Selection Module for ***finding service programs that match consumer profiles to a predetermined degree;***
- (b) an Automatic Bill Payment Module for allowing consumers to engage in automated-billing transactions;
- (c) an Automated Services Monitoring Module for monitoring service program databases for ***service programs that match consumer profiles to a predetermined degree and notifying consumers of matching programs;***
- (d) an Automated Best Services Selection Module for ***finding service programs that match consumer profiles to a predetermined degree and automatically enrolling consumers in matching programs;***
- (e) a Services Search Module for finding service programs that are offered on Internet websites not directly associated with the IPCS;
- (f) an Incentive Program Module for analyzing consumers' bills and spending habits to determine ***service programs offered through the IPCS that better match consumers' needs;***
- (g) a Data Mining Module for generation of information from data stored in or passed through the IPCS; and
- (h) a Pooling Module for providing a group of consumers benefits for group transactions with a service provider. (emphasis added)

The Examiner has failed to fully and clearly state which—if any—of the Claim 19 modules the Examiner believes are disclosed by Mikurak FIG. 19. Applicant is therefore unable to respond to the rejection because no reference has been made to anything in Mikurak FIG. 19 that specifically corresponds to the recited elements.

In rejecting claim 12, the Examiner alleges that "Mikurak teaches a similar method as in claim 19 (comprising items b) and c) of claim 12); therefore similar rationales and reference set forth are applied for a 35 USC 102(e) rejection." The examiner has failed to fully and clearly state the grounds for rejecting claim 12. Claims 12 and 19 are substantially different claims, and Applicant cannot read the Examiner's mind to determine what alleged similarities exist.

between claims 12 and 19. Furthermore, "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." MPEP § 707.07(d). By the Examiner's own statement, the Examiner rejected claim 12 based on "similar rationales" as claim 19. However, "similar" is not "equal" and MPEP § 707.07(d) specifically prohibits such vague groups of rejections. Applicant is therefore unable to respond to the rejection because no reference has been made to anything in Mikurak that specifically corresponds to the recited elements of claim 12.

The Examiner rejected claim 13 on the basis that "Mikurak inherently teaches a similar method as in above claims 12, and 19"; rejected claims 16-17 on the basis that "Mikurak inherently teaches a similar method as in above claim 20"; and rejected claim 15 because

"Mikurak inherently teaches a similar method as in above claim 19." The examiner has failed to fully and clearly state the grounds for rejecting these claims, and Applicant cannot make sense of the Examiner's rejections of these claims. All of these claims are substantially different, and Applicant cannot determine the grounds for rejection simply because the Examiner states that Mikurak inherently teaches a method that is similar to a method used as the grounds for a previous rejection.

Furthermore, "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." MPEP § 707.07(d). By the Examiner's own statement, the Examiner rejected claims 13 and 15-17 because "Mikurak inherently teaches a similar method" as alleged for the basis of rejecting

some other claim. However, "similar" is not "equal" and MPEP § 707.07(d) specifically prohibits such vague groups of rejections. Applicant is therefore unable to respond to these rejections.

Additionally, Applicant cannot respond to these rejections because the Examiner has failed to point out what descriptive material is missing from Makurak. "Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art. Trintec Industries, Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). In order to fully and clearly state the grounds for rejecting claims 13 and 15-17, the Examiner should state what elements of these claims are not explicitly disclosed in Makurak and why this missing descriptive material is necessarily present in Makurak. See MPEP § 707.07(d).

Rejections of Claims 14 and 18

The Examiner rejected claims 14 and 18, citing Makurak. These claims depend from claim 13. As stated above, the Examiner has not fully and clearly stated the grounds for rejecting claim 13. Applicant is unable to respond to these rejections for the same reasons that Applicant cannot respond to the rejection of claim 13.

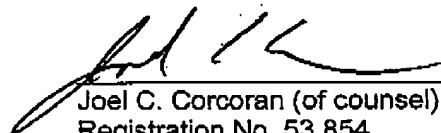
CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.

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Respectfully submitted,



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